

February 19, 1975

SPEAKER: Motion made to advance LB 63 to Enrollment and Review for engrossing. Please indicate by the usual sign. Opposed. Motion carried. We will take up LB 108. Senator Kremer, are you ready for 108?

SENATOR KREMER: Mr. Chairman, we started discussion on 108 yesterday and then the discussion was cut off because of matters that needed to be taken up before adjournment. So, I think I had explained the bill and we were at the place that some questions were being posed. We were attempting to answer the questions, so I expect the procedure now should be to entertain any further questions that might be related to the bill.

CLERK: There are no further amendments, Mr. President, to the bill. The Bereuter amendment from yesterday was adopted.

SPEAKER: Any discussion. Seeing none, Senator Kremer, what do you want to do with the bill?

SENATOR KREMER: LB 108 be advanced to E & R for initial.

SPEAKER: Motion has been made and seconded that LB 108 be advanced to E & R for enrollment. Please indicate by the usual sign. Have you all voted? The Clerk will record.

CLERK: 33 ayes, 0 nays, 16 not voting on motion to advance.

SPEAKER: The bill is advanced. LB 289.

CLERK: Mr. President, LB 289. Read. There are no Committee amendments or other...wait a minute, there are Committee amendments, Mr. President, by Senator Luedtke's Judiciary Committee.

SPEAKER: Senator Luedtke.

SENATOR LUEDTKE: Mr. President, I move the adoption of the Committee Amendments to LB 289. The Committee amendments were amendments which were brought in by Judge Fahrbruch, District Judge here in Lancaster County District Court. This is a bill which was requested by the members of the District Judges Association which deals with giving these Judges in District Courts and courts in general an additional element to probation conditions because the way it is now, it is very difficult under the ways the laws are written to allow the Judges to have the flexibility of using jail... mixing jail with probation or work release and education release, when they want to use jail time with it. This will give them this possibility and the amendments go to clarifying the language as to how it shall be used. For example, on Page 2, line 10, after "confined", the amendment says, "periodically", so they could be put in jail and out on work release or education release and then back in jail that evening. The flexibility of the work release or the jail plan on probation would be affected. One of the other amendments, on Page 3, line 13, where you have your conditions of such probation, one of them is added, "To pay for the blood, urine, or breath alcohol tests, identification, evaluation, treatment and so forth," so that any offender who has these kinds of tests made would have to pay for them as a condition of probation. This is added specifically to the condition of probation. It gives the judge, again, a much more flexibility in what he can demand be carried out by the offender when he is placed on probation. And then, another one, if you follow down, under Section 2, it's added, "or second offense misdemeanor or first offense misdemeanors". The way it is now the Judges do not have any